



MICHELE A. SHUSTER  
[mshuster@mpslawyers.com](mailto:mshuster@mpslawyers.com)

August 27, 2012

**Via Electronic Filing**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Room TW-A325  
Washington D.C., 20554

**Re: Notice of Ex-Parte Communication  
CG Docket No. 02-278**

Dear Ms. Dortch:

On Thursday August 23, 2012, Phillip Grudzinski, CEO of the Professional Association for Customer Engagement (PACE) and Michele A. Shuster, counsel to PACE, met with the following representatives from the Federal Communications Commission (FCC or Commission) regarding the Commission's recent amendment of its Telephone Consumer Protection Act (TCPA) regulations:

- Kris Monteith, Consumer and Governmental Affairs Bureau (CGB), Chief;
- Mark Stone, CGB, Deputy Bureau Chief;
- Michael Jacobs, CGB, Senior Legal Advisor;
- John B. Adams, CGB Consumer Policy Division, Deputy Division Chief; and
- Karen Johnson, CGB Consumer Policy Division, Attorney Advisor.

During the meeting, PACE provided an overview of the organization<sup>1</sup> and discussed the concerns outlined in its recently filed Petition for Reconsideration (Petition).<sup>2</sup> Specific areas of concern identified in the Petition include: (1) implementation costs associated with the automated opt-out requirements for abandoned call messages; (2) unintended consequences associated with implementation of the Commission's new "prior express written consent" requirement for autodialed calls to cell phones in light of the Commission's 2003 and 2008 Orders holding that a predictive dialer constitutes an automatic telephone dialing system; and (3) unduly burdensome disclosure requirements contained within the definition of the term "prior express written consent."

PACE elaborated on the fact that the regulatory requirements have downstream costs associated with using multiple predictive dialers, potentially with multiple sellers, requiring redundant solutions that have significant capital and ongoing expenses associated with the required technology. The Commission requested PACE members to provide empirical data about the implementation costs of the automated interactive opt-out requirements for abandoned call messages. PACE indicated that it will provide the requested data upon compilation.

---

<sup>1</sup> See PACE's website at <http://paceassociation.com/about/>.

<sup>2</sup> See *Petition for Reconsideration*, Professional Association for Customer Engagement, CG Docket No. 02-278 (filed July 11, 2012).

As part of the discussion, the parties discussed the methods available to challenge the Commission's previous Orders and/or Reports, including Requests for Declaratory Judgment and Requests for Rulemaking.

Finally, PACE invited the Commission's staff to tour a PACE member's customer engagement center and/or attend the PACE Washington Summit on October 1-2, 2012 at the Mandarin Hotel in Washington D.C. to learn more about the customer engagement industry.

Pursuant to 47 C.F.R. § 1.1206(b), the undersigned files this notice electronically in the above referenced docket.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michele Shuster".

Michele A. Shuster  
Mac Murray, Petersen & Shuster LLP  
6530 West Campus Oval, Suite 210  
New Albany, OH 43054  
Telephone: (614) 939-9955  
Facsimile: (614) 939-9954

Counsel for PACE